

रजिस्टर्ड नं० पी० ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, २६ मई, १९६८/८ ज्येष्ठ, १८६०

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 23rd May, 1968

No. 13-95/67-LR.—In pursuance of the adoption of a motion by Lok Sabha on the 11th April, 1968 that the Land Acquisition (Amendment) Bill, 1967, by Shri S. C. Samanta, M.P., be circulated for the purpose of eliciting opinion thereon by the 31st August, 1968, the said Bill and the Statement of Objects and Reasons are hereby published in the Himachal Pradesh Government Gazette. Any person or public body desiring to submit an opinion on the Bill should send the same in triplicate to the undersigned so as to reach him by the 1st August, 1968. No opinion which is submitted direct to the Rajya Sabha Secretariat or to any Ministry of the Government of India will be accepted.

JOSEPH DINA NATH,
Under Secretary (Judicial).

AS INTRODUCED IN Lok SABHA ON
23RD MARCH, 1967.

Bill No. 9 of 1967.

THE LAND ACQUISITION (AMENDMENT) BILL, 1967

By

SHRI S. C. SAMANTA, M.P.

A

BILL

Further to amend the Land Acquisition Act, 1894

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Land Acquisition (Amendment) Act, 1967.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. **Amendment of section 11.**—In section 11 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the principal Act) for the words, figures and brackets, “at the date of the publication of the Notification under section 4, sub-section (1)”, the words “at the date of the acquisition” shall be substituted.

3. **Insertion of new section 15A.**—After section 15 of the principal Act, the following new section shall be inserted, namely:—

“15A. Whenever bulk acquisition of land involves displacement of one hundred or more families, it shall be the responsibility of the requiring authority to provide for the rehabilitation of the displaced persons in a manner to be prescribed by Rules.”—

4. **Amendment of section 23.**—In sub-section (1) of section 23 of the principal Act, for the words, figures and brackets, “at the date of the publication of the Notification under section 4, sub-section (1)” the words “at the date of the acquisition” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 23 of the Land Acquisition Act, 1894, enjoins that in determining the amount of compensation for land to be acquired under the Act, the Court shall take into account the market value of land on the date of publication of Notification under section 4 of the Act. When the intervening period between the date of Notification and the date of acquisition is long, the owner is entitled to a compensation which is wholly insufficient to buy an equivalent area of land with similar advantages. Our aim should be to pay a fair and reasonable price for land to be acquired, and to pay a price much below the market price is undoubtedly unfair and unreasonable. The Law Commission has also recommended that as far as possible everyone who is deprived of his property by compulsory acquisition should be awarded a compensation so as to place him in substantially the same position in which he was before the acquisition. Hence the Bill.

S. C. SAMANTA.

NEW DELHI:
The 13th March, 1967.

- purposes as the Board may determine;
- (10) place before the Government the views of the Board on any matter with which it is concerned;
 - (11) call for reports from the Director on the conditions of an institution applying for recognition and to direct inspection of such institution;
 - (12) arrange for publication of text books or other books of study recommended by the Text-Books Recognition Committee for publication by the Board;
 - (13) adopt measures to promote the physical, moral, cultural and social welfare of students in recognised institutions and to prescribe conditions of their residence and discipline;
 - (14) organise and provide lectures, demonstrations and educational exhibitions, seminars and symposiums and to take such other measures as are necessary to raise and promote the quality of school education in Himachal Pradesh;
 - (15) institute and award scholarships, medals and prizes under conditions that may be prescribed;
 - (16) conduct the departmental examinations;
 - (17) take necessary steps with regard to the modernizing of school curricula, strengthening of science and mathematics education, work experience and vocationalisation; and
 - (18) do all such other acts and things ancillary to any of the purposes specified above or for the purpose of carrying into effect the provisions of this Act.

11. (1) The Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

Powers of
the Govern-
ment.

(2) The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication received under sub-section (1) and shall furnish an explanation if it fails to take action.

(3) If the Board does not, within a reasonable time take action to the satisfaction of the Government with reference to the matter on which a communication has been received under sub-section (1), the Government may, after considering the explanation, if any, furnished or representation made by the Board, issue such directions, consistent with this Act, as it may think fit and the Board shall comply with such directions.

(4) In any emergency which in the opinion of the Government, requires that an immediate action should be taken, the Government may take such action, consistent with this Act, as it deems necessary without previous consultation with the Board and shall forthwith inform the Board thereof.

(5) The Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered or purporting to be ordered, to be done by the Board, if the Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

(6) Whenever any action is taken by the Government under sub-sections (3), (4) or (5), a report thereof shall be laid on the Table of the Legislative Assembly at the earliest possible opportunity stating the reasons for such action.

Constitution of Board Fund.

12. A Board Fund shall be constituted and all sums received by or on behalf of the Board under this Act or otherwise shall be placed to the credit thereof.

Custody and investment of Board Fund.

13. (1) All moneys at the credit of the Board Fund, except moneys required for day to day expenditure, shall be kept in the current or savings bank account with a Scheduled Bank:

Provided that nothing in this section shall be deemed to preclude the Board from investing such moneys as are not required for immediate expenditure in any of the Government securities.

(2) Accounts of the Board with a bank may be operated upon by the Secretary of the Board or by such other officer as may be prescribed by the Board.

Application of Board Fund.

14. (1) Subject to the provisions of this Act, the Board Fund shall be applicable:—

(i) only to the payment of the charges and expenses incidental to the several matters specified in this Act; and

(ii) to any other purposes for which by or under this Act powers are conferred or duties imposed upon the Board.

(2) The annual net savings shall be placed at the disposal of the Government exclusively for the development of school education in Himachal Pradesh.

Audit of the accounts of the Board.

15. The accounts of the Board shall be audited annually by such agency as may be specified by the Government and a copy of the audited accounts and balance sheet shall be submitted by the Board to the Government each year by such date as the Government may specify.

Contracts.

16. All contracts in writing and assurances of property of the Board shall be signed by the Secretary on behalf of the Board or in such other manner as may be prescribed, and shall, if so signed be binding on the Board.

Officers of the Board.

17. Subject to other provisions of this Act, the following shall be the officers of the Board, namely—

(1) Chairman,

(2) Vice-Chairman,

(3) Secretary to the Board, and

(4) such other officers as may be declared by the Regulations to be the officers of the Board.

Chairman.

18. (1) The Chairman of the Board to be nominated by the Government shall be an eminent educationalist having special experience of school education.

(2) The Chairman so nominated shall hold office for a term of three years from the date on which he assumes charge of the office and shall be eligible to be renominated for a second term.

Powers and duties of the Chairman.

19. (1) The Chairman shall be the Administrative Head of the Board; it shall be the duty of the Chairman to see that this Act and the Regulations are faithfully observed and he shall have all the powers necessary for this purpose.

(2) The Chairman may at any time, and shall, at prescribed intervals or on receipt of a requisition signed by not less than one-third of the total number of members of the Board and stating the business to be brought before the Board, call a meeting of the Board in the prescribed manner.

(3) In any emergency, arising out of the administrative business of the

Board, which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary, and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall preside at every meeting of the Board at which he is present.

(5) The Chairman shall exercise such other powers as may be invested in him by Regulations.

20. The Director of Education, Himachal Pradesh shall be the *ex-officio* Vice-Chairman of the Board. Vice-Chairman.

21. The Vice-Chairman shall assist the Chairman in all matters, administrative and academic; shall discharge such duties and exercise such powers as may be delegated to him by the Chairman; and shall in the latter's absence exercise all the powers of the Chairman. Powers and duties of the Vice-Chairman.

22. (1) The Secretary shall be appointed by the Government upon such conditions and for such period as the Government may deem fit. Appointment, powers and duties of the Secretary.

(2) The Secretary shall, subject to the control of the Board, be the Chief Executive Officer of the Board.

(3) All meetings of the Board shall be convened through the Secretary in the manner provided by the Regulations.

(4) The Secretary shall be responsible for seeing that all moneys are expended for the purposes for which they are granted or allotted.

(5) The Secretary shall be responsible for keeping the minutes of all meetings of the Board.

(6) The Secretary shall be entitled to be present and to speak at any meeting of the Board but shall not be entitled to vote thereat.

(7) The Secretary shall exercise such other powers as may be laid down in the Regulations.

23. (1) The Government may appoint Deputy Secretaries to the Board and such number of Assistant Secretaries thereof, on such conditions and for such period as the Government may deem fit. Other Officers and Servants of the Board.

(2) The officers appointed under sub-section (1) shall perform such functions and exercise such powers as may be prescribed.

(3) The Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(4) The qualifications, conditions of service and the scales of pay of officers and servants of the Board, other than Deputy Secretary, Assistant Secretary and Secretary, shall be determined by the Regulations.

24. (1) The Board shall appoint the following committees, namely:—

(a) an Executive Committee;

(b) a Finance Committee;

(c) an Examination Committee;

(d) a Curriculum Committee;

(e) a Text-Book Recognition Committee; and

(f) such other Committees as may be prescribed.

Appointment and constitution of Committees.

(2) Every such Committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit.

(3) Every such Committee may co-opt persons to be members from amongst the members of the Board to the number of one-third of the members appointed to it.

(4) The term of the members except the co-opted members shall be as prescribed by Regulations.

(5) The co-opted members shall hold office for a period of one year.

Exercise of powers delegated by Board to Committees.

25. All matters relating to the exercise by the Board, of powers conferred upon it by this Act which have, by Regulations, been delegated by the Board to any Committee appointed under section 24 shall stand referred to that Committee, and the Board, before exercising any such powers, shall receive and consider the report of the Committee with respect to the matter in question:

Provided that where, in the opinion of the Board, immediate action is necessary with respect to any such matter, it may proceed to deal with it without the report of the Committee in respect thereof and pass such orders thereon as it considers necessary.

Powers of the Board to make Regulations

26. (1) The Board may make Regulations for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make Regulations providing for all or any of the following matters, namely:—

- (a) the procedure of the Board;
- (b) the constitution, powers and duties of Committees appointed under section 24;
- (c) the award of diplomas and certificates;
- (d) the courses of study to be laid down for all diplomas or certificates;
- (e) the conditions of recognition of institutions for the purposes of admission to the privileges of the Board and framing of a School Education Code to ensure a minimum standard of efficient and uniform management of schools;
- (f) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates;
- (g) the conduct of examinations;
- (h) the fees for admission to examinations of the Board;
- (i) the appointment of officers, clerks and other servants of the Board and the conditions of their service;
- (j) the appointment of examiners and their duties and powers in relation to the Board examinations;
- (k) the constitution of a Provident Fund for the benefit of officers, clerks and other servants employed by the Board;
- (l) the framing of service, conduct and discipline rules for the employees of the Board;
- (m) the control, administration, safe custody and management in all respects of the finances of the Board;
- (n) the election or nomination of members to the Board;
- (o) the institution of scholarships and prizes; and
- (p) the emoluments and allowances of members of the Board and all its Committees; and
- (q) all matters which by this Act are to be or may be prescribed or provided for by Regulations.

First Regulations of the Board.

27. (1) The first Regulations shall be made by the Government and they shall be deemed to have been made by the Board and continue in force until altered or modified by the Board.

(2) The Regulations made under sub-section (1) shall not take effect until they have been published in the Official Gazette.

28. A copy of every Regulation made by the Board under section 26 and of every modification or revision thereof or of each of the first regulations of the Board made or deemed to have been made under section 27 shall be submitted without undue delay to the Government for information.

Copies of Regulations and alterations thereof.

29. (1) The Board and Committees appointed by it may make Bye-laws consistent with this Act and the Regulations:—

Powers of the Board etc. to make Bye-laws.

(a) laying down the procedure to be observed at meetings and the number of members required to form quorum; and

(b) providing for all other matters solely concerning the Board and Committees appointed by it and not provided for by this Act and the Regulations.

(2) The Board and the Committees appointed by it shall make Bye-laws providing for the giving of notice to their members, of dates of meetings, and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment or revision of any Bye-law made under this section by a Committee appointed by it, and such Committee shall give effect to the direction.

30. As from the date specified for the establishment of the Board in the notification under sub-section (1) of section 3, the following provisions shall have effect, namely:—

Consequences to ensue on commencement of the Act.

(i) Notwithstanding anything contained in this Act, all educational institutions admitted to the privileges of the Panjab University, Chandigarh in respect of secondary education and situated within Himachal Pradesh shall, in respect of such education, with effect from the date of commencement of this Act, be deemed to be admitted to the privileges of the Board, and the Board shall, as far as possible and consistent with this Act, admit such institutions to all such privileges in respect of secondary education as they had from the Panjab University, Chandigarh before the said date; and

(ii) Notwithstanding anything contained in this Act or the Regulations made thereunder, the Board shall provide for such period, and in such manner, as may be prescribed, for the instructions, teaching and training of students of institutions situated within Himachal Pradesh and admitted to the privileges of the Panjab University, Chandigarh, who before the date of the commencement of this Act were studying or were eligible for any examination of the said University in secondary education and for the examination of such students and others in accordance with the courses of studies of the said University.

31. If any difficulty arises as to the first constitution of the Board or otherwise in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

For Matriculation and Higher Secondary School examinations, institutions in Himachal Pradesh have been in the past and are at present affiliated to the Panjab University, Chandigarh. The curriculum and courses of studies for these examinations are, therefore, controlled by the said University, wherein the representation from the Himachal Pradesh is a meagre one. The educational practices and programmes at present in vogue and the education imparted in schools in Himachal Pradesh are not in consonance with the needs of this hilly Pradesh and thus require a change. In order to have educational planning and growth consistent with the needs of this Pradesh, the establishment of the Board of School Education for Himachal Pradesh is necessary, and this Bill seeks to achieve the object.

SIMLA:
The 2nd April, 1968.

RAM LAL,
Education Minister.

FINANCIAL MEMORANDUM

The Board, when established, is likely to incur an annual expenditure of Rs. 9.7 lakhs out of its own funds and is likely to earn an annual income of Rs. 9.2 lakhs from examination fees and other sources. Thus there is likely to be a gap of Rs. 0.5 lakhs, which may be met by the Board by receiving grants-in-aid from the Government, if necessary. In case, however, there are net savings in any year, the same shall be placed at the disposal of the Government, exclusively for the development of school education in Himachal Pradesh as per clause 14 (2) of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill empowers the Board to make Regulations in respect of the matters enumerated under the said clause. The first Regulations of the Board shall, however, be made by the Government under clause 27 of the Bill. Apart from this, clause 29 also empowers the Board and its Committees to make Bye-laws in respect of the matters enumerated thereunder.